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16 Attorneys for Defendant
17 AT&T Mobility LLC

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN JOSE DIVISION**

21 IN RE APPLE & AT&TM ANTI-TRUST
22 LITIGATION

Case No. 07-05152-JW

**STIPULATION AND [PROPOSED]
ORDER REGARDING DUE DATE FOR
REPLY MEMORANDUM IN SUPPORT
OF MOTION OF DEFENDANT AT&T
MOBILITY LLC TO COMPEL
ARBITRATION AND TO DISMISS
CLAIMS PURSUANT TO THE
FEDERAL ARBITRATION ACT**

Courtroom: 8
Honorable James Ware

1 Plaintiffs Herbert H. Kliegerman, Paul Holman, Lucy Rivello, Timothy P. Smith,
2 Michael G. Lee, Dennis V. Macasaddu, Mark G. Morikawa, Vincent Scotti, and Scott Sesso and
3 defendant AT&T Mobility LLC (“ATTM”) agree as follows:

4 WHEREAS, the stipulated scheduling order of June 4, 2008 provides that ATTM’s
5 motion to compel arbitration was due on June 27, 2008, plaintiffs’ opposition was due August 6,
6 2008, and ATTM’s reply brief is due August 25, 2008;

7 WHEREAS, the Court’s order of June 23, 2008 set the hearing date for ATTM’s motion
8 to compel arbitration as September 12, 2008;

9 WHEREAS, in accordance with that briefing schedule, ATTM timely filed its motion to
10 compel arbitration and plaintiffs timely filed their opposition;

11 WHEREAS, because of scheduling conflicts ATTM requested and the plaintiffs agreed to
12 extend the due date for ATTM’s reply brief until August 29, 2008, which is 14 days before the
13 hearing date of September 12, 2008; and

14 WHEREAS, plaintiffs agree to the extension based on their belief that filing the reply
15 brief 14 days before the September 12, 2008 hearing date will not result in the argument date
16 being adjourned;

17 IT IS HEREBY STIPULATED that the deadline for ATTM’s reply brief in support of its
18 motion to compel arbitration is extended to and including August 29, 2008.

19
20 And now, on this ____ day of August, 2008, upon agreement of Interim Lead Counsel for
21 the plaintiffs and counsel for defendant AT&T Mobility LLC (“ATTM”), it is hereby ordered:

22 1. The deadline for the filing of ATTM’s reply memorandum in support of its
23 motion to compel arbitration and dismiss claims against it (Dkt. No. 115)—which is currently
24 due on August 25, 2008, pursuant to the stipulated order of June 4, 2008 (Dkt. No. 108)—is
25 extended to and including August 29, 2008.

26 2. The hearing on ATTM’s motion to compel arbitration shall remain calendared for
27 September 12, 2008, at 9:00 a.m.

28 STIPULATED SCHEDULING ORDER—MASTER FILE NO. C 07-05152 JW

1 Dated: August 22, 2008

WOLF HALDENSTEIN ADLER FREEMAN
& HERZ LLP
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BETSY C. MANIFOLD
RACHELE R. RICKERT
MARK C. RIFKIN
ALEXANDER H. SCHMIDT
MARTIN RESTITUYO

7 By: /s Rachele R. Rickert
Rachele R. Rickert
8 Plaintiffs' Interim Lead Counsel

9 Dated: August 22, 2008

MAYER BROWN LLP
DONALD M. FALK

12 By: /s Donald M. Falk
Donald M. Falk
13 Attorneys for Defendant AT&T Mobility LLC

14 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

16 Dated: August __, 2008

17 Hon. James Ware
United States District Court